

VZCZCXRO2130
OO RUEHROV RUEHTRO
DE RUEHKH #0626/01 1321317
ZNR UUUUU ZZH
O 121317Z MAY 09
FM AMEMBASSY KHARTOUM
TO RUEHC/SECSTATE WASHDC IMMEDIATE 3753
INFO RUCNIAD/IGAD COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE
RHMFISS/CJTF HOA

UNCLAS SECTION 01 OF 03 KHARTOUM 000626

DEPT FOR SE GRATION, S/USSES, AF A/S CARSON, AF/E
NSC FOR MGAVIN AND HUDSON
DEPT PLS PASS USAID FOR AFR/SUDAN
ADDIS ABABA ALSO FOR USAU

SENSITIVE
SIPDIS

E.O. 12958: N/A

TAGS: [PGOV](#) [PREL](#) [EAID](#) [ASEC](#) [KPKO](#) [SOCI](#) [AU](#) [UNSC](#) [SU](#)

SUBJECT: 43rd AEC PLENARY MEETING, MAY 5 2009: VIOLENCE IN JONGLEI
AND ELECTION PTREPARATIONS

REF: KHARTOUM 564

11. (SBU) Summary: At the 43rd Assessment and Evaluation (AEC) Plenary Meeting on May 5, western donors came out in strong agreement that despite logistical complications and technical shortcomings of the recently-completed census, both the NCP and SPLM should quickly accept its results. Donors noted that the census results provide as sound a basis as is presently available for election preparation. They also strongly urged passage of the referendum law and the need to "de-link" this law on the referendum's mechanics from broader discussions of post-2011 arrangements. In response, both the NCP and (more reluctantly) the SPLM agreed that discussion of accepting census results was the only sensible way forward, and that disagreements over this issue would be overcome somehow by the Presidency. The two sides traded accusations about who was delaying passage of the referendum law, but agreed that the law would be delinked from post-2011 discussions. AEC Chairman Plumbly also lauded efforts by the U.S. Special Envoy for Sudan and Senator Kerry to reinvigorate the partnership between the international community and the two parties, and offered AEC support to such a process. End Summary.

CHAIRMAN'S INTRODUCTION

12. (SBU) AEC Chair Sir Derek Plumbly remarked on the need to reenergize the partnership shared by the international community, the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM). To this end, he welcomed the timeliness of initiatives currently under discussion to reaffirm commitment of the parties and international partners to the CPA following the visit of Presidential Special Envoy Gration and Senator John Kerry, adding that that the AEC is well placed to offer support to such a process.

COMBATTING VIOLENCE IN JONGLEI STATE

13. (SBU) Discussion shifted to the recent outbreak of tribal violence in Jonglei state (reftel), as well as more intermittent violence in other parts of the South. The UN briefed AEC members on its plans to stabilize Jonglei state in coordination with the Government of Southern Sudan (GOSS) and state authorities, including emergency deployment of UNMIS forces and UNPOL, technical support to the Jonglei-state security committee and other state authorities, and support for ongoing peace and reconciliation efforts between different tribal groups. The AEC observer from Kenya also noted that peace in South Sudan is of the utmost importance to his country, and called for further efforts to promote t South-South reconciliation.

ELECTIONS: CENSUS AND BORDER DEMARCATION

¶4. (SBU) Italy (Power Sharing Working Group coordinator) noted that timely preparations for the 2010 national elections remain at the core of the Comprehensive Peace Agreement's (CPA) stability, reiterating that the end of the interim period (in 2011) is now rapidly approaching. Italy noted the timeframe for the election proposed by the National Electoral Commission (NEC) and the activities associated with it represent a very positive development, and also lauded efforts by the UN and UNDP to provide appropriate financial and technical assistance. However, Italy warned that this was only one of the elements needed to stage free and fair elections. Others, including acceptance of the census results and completion of internationally arbitration on border demarcation, are critical and as yet unachieved.

¶5. (SBU) On the census specifically, Italy noted that while the final result will undoubtedly be subject to objections by the SPLM, and that all members were aware of the imperfections of the census, it was conducted as well as could be expected given the many obstacles to its successful completion. Thus, the Italian Ambassador said it would be a mistake to question its legitimacy under such circumstances. With this in mind, Italy called on both parties to accept the census results as a sound basis for election preparation. DCM Asquino, the UK, Norway, the Netherlands and EC representatives all strongly endorsed Italy's statements, acknowledging significant logistical challenges in election preparations, but noting that that there needs to be quick agreement on how the parties will use the census results. The NCP agreed that discussion and resolution of North-South disagreements on census results was the only sensible way forward, and that this issue would be overcome somehow by the Presidency. The SPLM,

KHARTOUM 00000626 002 OF 003

meanwhile said that to a certain extent it agreed with the NCP: while it continued to have questions and concerns relating to the way the census was carried out and its results, these simply had to be overcome for elections to move forward.

¶6. (SBU) With regard to border demarcation, Italy noted that the Ad Hoc North/South border committee had become deadlocked on how to proceed. While recognizing that this was a technical committee, Italy urged the parties to facilitate a more productive environment to address outstanding disagreements and allow quick progress on demarcation. This notion was strongly endorsed by the other donors.

REFERENDUM LAW AND POST-2011 ARRANGEMENTS

¶7. (SBU) Italy noted the criticality of both the media and press law and the referendum law, as well as the need to look beyond the 2011 referendum on southern self-determination. With regard to the referendum, the representative from Norway noted that pursuant to February's AEC Plenary and subsequent bilateral meetings, both parties had agreed on the need for two complementary processes - a technical law on the modalities of the referendum itself, and a discussion on post-referendum arrangements. However, it was obvious that the parties had not yet been able to engage in discussions on either of these issues, and it remained unclear exactly how these processes would start, and what elements should be considered first.

Norway said that while it very much supported further discussions on post-referendum arrangements, any linkage between the Referendum Law and so-called post-2011 arrangements "would be contrary to both the letter and the spirit of the Agreement," a sentiment that was roundly endorsed by the U.S., UK, EC and the Netherlands. Norway urged the NCP to begin engagement on the technical law without further delay and without conditionality. When this happened, Norway would expect the SPLM to engage in good faith negotiations on post-2011 arrangements, something they have already said they are willing to do.

¶8. (SBU) The NCP strongly disagreed with the notion that discussing post-2011 arrangements in connection with the referendum was somehow against the spirit and letter of the CPA, noting that that the CPA is about creating the circumstances in Sudan in which the people of

South could exercise their right to self determination with full understanding of what it was they were voting for. However, the NCP acknowledged that these processes would be delinked, and "everyone would get their wish." Regarding the referendum law process, the NCP noted that the National Constitutional Review Commission (NCRC) had previously been discussing a draft referendum law, and had formed a sub-committee for that purpose, but that the work of this subcommittee had been suspended by the SPLM following the appointment of Abel Alier to the NEC. The NCP representatives said they were happy to join with other members' calls that there to be no further delay in this process.

¶9. (SBU) In response, the SPLM noted that in many cases the high-level political and executive committee consisting of members of the two parties had considered aspects of the legislative draft process, as well as the NCRC. The idea here was not to bypass the NCRC, but to supplement its work and make sure that by the time bills were presented to the Council of Ministers and the National Assembly, they have at least been agreed upon by the two CPA parties. As part of this arrangement, the SPLM had proposed a draft referendum bill to the legal sub-committee on which it claimed it was still awaiting a response from the NCP. The SPLM explained that this high-level political and executive committee also had discussed the post-referendum arrangements, something that the SPLM had no issue with, noting such discussions made sense in promoting a better understanding of how to proceed following the referendum result. These discussions, according to the SPLM, though not mandated by the CPA, should help to create a better environment for the referendum itself. (The SPLM pointed to the Abyei Roadmap as a good precedent for this.) Concluding on this point, the SPLM said that given the common history and environment all Sudanese shared, it would be impossible for one side to simply leave or break away without an understanding of future arrangements. That said, the SPLM agreed with members that there should be no pre-conditioning of such discussions.

¶10. (SBU) AEC Chairman Plumbly concluded that there was a very clear, unequivocal message to the parties from the international community that the census should be accepted following further political discussion, and that it had been useful to hear from the parties that the Presidency would be meeting within the next few days on this subject. Regarding the Referendum law and the post-2011

KHARTOUM 00000626 003 OF 003

arrangements, there also seemed to be a very clear message to proceed urgently on both of these discussions in both available fora, namely the NCRC and the high-level political and executive committee. This was especially important, given that the sense from the meeting is that there is very little if any discussion currently in progress on either of the subjects in either forum.

FERNANDEZ